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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/866,107	05/25/2001	Kevin Whitley	3660P003	4939

7590

12/09/2005

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EXAMINER

RHODE JR, ROBERT E

ART UNIT

PAPER NUMBER

3625

DATE MAILED: 12/09/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/866,107

Applicant(s)

WHITLEY ET AL.

Examiner

Rob Rhode

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 26 September 2005.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-40 is/are pending in the application.
- 4a) Of the above claim(s) 14-40 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-13 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 25 May 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Response to Amendment

Applicant's election without traverse of the Requirements Restriction in the reply filed on 9-26-05 is acknowledged.

Claims 14 – 40 are withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected invention, there being no allowable generic or linking claim. Election was made **without** traverse.

The requirement is still deemed proper and is therefore made FINAL.

Priority

The later-filed application must be an application for a patent for an invention which is also disclosed in the prior application (the parent or original nonprovisional application or provisional application). The disclosure of the invention in the parent application and in the later-filed application must be sufficient to comply with the requirements of the first paragraph of 35 U.S.C. 112. See *Transco Products, Inc. v. Performance Contracting, Inc.*, 38 F.3d 551, 32 USPQ2d 1077 (Fed. Cir. 1994).

The disclosure of the prior-filed application, Application No. 60/207,314, fails to provide adequate support or enablement in the manner provided by the first paragraph of 35 U.S.C. 112 for one or more claims of this application. For example, the provisional does not provide support for nor clearly define a BaseObject.

Requirement for Information, Public Use or Sale

An issue of public use or on sale activity has been raised in this application. In order for the examiner to properly consider patentability of the claimed invention under 35 U.S.C. 102(b), additional information regarding this issue is required as follows: The Applicant submitted a User Manual as part of their Provisional Application, which has a copyright dated 1997 - 1999. In that regard, the following information is required:

1. Were any copies of the User Manual (version 6) and specifically the Ariba ORMS API Guide (v 6.0) provided to customer's, user's or others prior to May 26, 1999 without requiring them to sign a Confidentially document such as a Non-Disclosure or other document, which binds the individual to not sharing the Guide Publicly? If so, please provide a dated copy of at least the ORMS API Guide.

2. Were any briefings and/or Presentations provided to the Public prior to May 26, 1999, which described the technical operation disclosed in the ORMS API Guide and specifically the technical features including BaseObject, variant and shape? If so, please provide a dated copy.

3. Were any briefings and/or Presentations provided to the Public prior to May 26, 1999, which disclosed a method and system for providing multi-organizational resource management, which provide the capability for sharing information/data between disparate applications such as between ERP packages such as SAP, PeopleSoft, Oracle or Baan as well as purchase orders? If so, please provide a dated copy.

4. Were any briefings an/or Presentations provided to the Public prior to May 26, 1999, which disclose a method and system to enable one to understand the technical features described in the ORMS API Guide and specifically the use and/or advantages of BaseObject, variant, shape and partition in enabling multiple ERP integration? If so, please provide a copy.

Applicant is reminded that failure to fully reply to this requirement for information will result in a holding of abandonment.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 1 – 7 and 11 - 12 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. In Claim 1 for example, the word(s) " BaseObject ", "variant", "shape", "extrinsic" and "partition" are a relative word(s), which renders the claim indefinite. The word(s) " BaseObject ", "variant", "shape", extrinsic", and "partition" are not defined by the claim(s), the specification does not provide a standard for ascertaining the requisite degree, and one of ordinary skill in the art would not be reasonably apprised of the scope of the invention. While the Applicant has provided examples of these in the specification, there were not specific definitions of these words provided other than some examples. In addition, the claim recitations use these same indefinite words to define each of the other indefinite words, which prohibit

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determining the metes and bounds of the claim. For examination purposes, the word "BaseObject" will be treated functionally as an object which comprises an integration object, "variant" as intelligent adapter, "shape" as data from an external application and partition as transform definition objects. With regard to "extrinsic", the plain meaning of the word will be used. Regarding the word "cluster", this word will be treated as more than one integration object. Moreover, the phrase in claim 1 of "a variant, said variant inherits from said BaseObject" is indefinite. For example, it is impossible to determine "What is inherited?" Furthermore and in light of the indefinite nature of these claims as specifically claim 1, the Application will be examined from a conceptual perspective as disclosed in the Applicant's specification as "a multi-organizational resource management, which imports from a set of one or more external applications and another transaction is generated from the resource data of one application and the transaction data is exported to resource data of another external application". Thereby, the invention was examined as an Enterprise Application Integration capability.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

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applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1 – 8 and 10 – 13 are rejected under 35 U.S.C. 102(e) as being anticipated by Taylor (US 6,256,676 B1).

Regarding claim 1, Taylor teaches an enterprise application comprising: a BaseObject, said BaseObject to include base data from a set of one or more external applications, said base data describing said set of one or more external applications; a variant, said variant inherits from said BaseObject said variant having a shape, said shape to include a set of one or more extrinsic attributes describing said external application; and a partition, said partition to provide content to said shape of said variant, said content to include data from said one or more external applications (see at least Abstract, Col 6, lines 56 -61, Col 7, lines 47 – 59, Col 8, lines 21 – 32, Col 9, lines 11 – 15, Col 10, lines 46 – 49, Col 15, lines 40 – 60, Col 18, lines 13 - 30 and Figures 1 – 3).

Regarding claim 2, Taylor teaches an enterprise application where said variant inherits attributes and behavior from said BaseObject (Col 18, lines 18 – 20)

Regarding claim 3, Taylor teaches an enterprise application where said variant includes a set of one or more of said partitions (Col 18, lines 18 – 28).

Regarding claim 4, Taylor teaches an enterprise application where said partition has only one variant (Abstract).

Regarding claim 5 and related claim 6, Examiner takes Official Notice that logging into an application based on users context as well as associated user name and login were old and well known at the time of the applicant's invention. Thereby, one of ordinary skill would have been motivated to extend Taylor based on a users context as well as associated user name in order to ensure that a user is accessing only information, which they have clearance and thereby ensure a reasonable level of security.

Regarding Claim 8 and related claim 9, Taylor teaches an enterprise application wherein said external application is an ERP, which includes a SAP ERP, a PeopleSoft ERP, and an Oracle ERP (Figure 1(a)).

Regarding claim 10, the Examiner takes Official Notice that XML was old and well know at the time of the Applicant's invention. Therefore, one of ordinary skill in the art would have been motivated to extend Taylor with XML – in order to improve interoperability of the applications.

Regarding claim 11, Taylor teaches an enterprise application wherein said variant uses two-dimensional inheritance (Col 9, lines 14 -15).

Regarding claim 12. The enterprise application of claim 1 further comprising: a cluster, said cluster includes a set of one or more BaseObject

Regarding claim 13, Taylor teaches an enterprise application wherein said enterprise application is a multi-organization resource management system (Figure 1).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 7 is rejected under 35 U.S.C. 103(a) as being unpatentable over Taylor (US 6,256,676 B1) in view of Butt (US 6,243,752 B1).

Taylor substantially discloses and teaches the Applicant's invention.

While Taylor does disclose retrieving from and providing data to multiple enterprise applications, the reference does not specifically disclose an enterprise application wherein two or more variants may be accessed simultaneously

On the other hand in the same area of analogous art of providing data from multiple applications and regarding claim 7, Butt teaches an enterprise application wherein two or more variants may be accessed simultaneously (Col 4, lines 50 – 53).

It would have been obvious to one of ordinary skill in the art to have provided the application of Taylor with the application of Butt to have enabled an enterprise application wherein two or more variants may be accessed simultaneously. Taylor

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discloses the claim limitations as recited in claim 1. In turn, Butt discloses an enterprise application wherein two or more variants may be accessed simultaneously (Col 4, lines 50 – 53). Therefore, one of ordinary skill in the art would have been motivated to extend the application of Taylor with an enterprise application wherein two or more variants may be accessed simultaneously.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to **Rob Rhode** whose telephone number is **571.272.6761**. The examiner can normally be reached Monday thru Friday 8:00 AM to 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, **Wynn Coggins** can be reached on **571.272.7159**.

Any response to this action should be mailed to:

Commissioner for Patents

P.O. Box 1450

Alexandria, Va. 22313-1450

or faxed to:

571-273-8300

[Official communications; including

After Final communications labeled

"Box AF"]

For general questions the receptionist can be reached at

571.272.3600

For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). RER

RER

R. E. Moley